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From: Saylor Company
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Cathy Noh

From: Cathy Noh [cathy.noh@saylorcompany.com]
Sent: Tuesday, March 02, 2010 10:12 AM
Subject: Issues Points Memo Interview with David Sanakoev, South Ossetian Human Rights Commissioner
Attachments: Issues Points Memo Interview-South Ossetian Human Rights Commissioner -- Mar 2 2010.pdf

Please consider the attached Issues Points Memo interview with David Sanakoev, Human Rights Commissioner for the Republic of South Ossetia. Here are some highlights:

"...We realize that human rights is a sensitive matter but to date, the interests of individual states are being given greater importance than the rights and freedoms of individual people. That is unfortunate. In the context of our activities, finding the solution for humanitarian issues--those related to human rights--is a priority over all other issues, including political..."

"...Georgia still holds numerous citizens of South Ossetia, some of whom we do not even know their status. This is absurd..."

"...Georgia continues to politicize human rights issues and is putting the state's interests above the interests and rights of the individuals. That is unacceptable..."

"...Human rights issues must transcend government-to-government political differences, and Georgia needs to be called out by the international community on its refusal to let that happen..."

If you need further information, please contact me at +1.202.715.1448 or at steven.ellis@saylorcompany.com. You may also visit www.therepublicofsouthossetia.org.

Thank you for your continued interest.

Best regards,

Steve

SAYLOR COMPANY
PUBLIC RELATIONS COUNSEL

Steven Ellis
Principal
+1 202.715.1448 - Office
+1 202.621.4076 - Mobile
steven.ellis@saylorcompany.com

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SAYLOR COMPANY

PUBLIC RELATIONS COUNSEL

From: Steven Ellis, Saylor Company
Subject: Issues Points Memo Interview with David Sanakoev, Commissioner for Human Rights, Republic of South Ossetia
Date: March 2, 2010

Please consider the interview below in your coverage of Caucasus human rights issues. Should you need further information about this interview or about South Ossetia, please contact me at +1.202.715.1448 or at steven.ellis@saylorcompany.com

IP: What is your role in the government of the Republic of South Ossetia?

Sanakoev: I was appointed Commissioner for Human Rights under the President of the RSO in December 2004. During this time, I have been handling cases involving citizens whose rights were violated in some way in the Republic of South Ossetia. Also, among my responsibilities is preparation of general and special reports on the observance of human rights in South Ossetia. These reports go directly to the President of the Republic of South Ossetia for his consideration and action, if necessary.

The main subject I am concerned with is respect for human and civil rights. After the Georgian-Ossetian war in August of 2008, the President also entrusted me with the process of returning prisoners, hostages, missing persons, and the bodies of the dead. With great regret, I must note that this process is still ongoing, since the Georgian side has repeatedly failed to carry out its obligations in a timely manner, and still refuses to implement them today.

The process of returning prisoners, hostages, missing persons, and dead bodies began on 21 August 2008. At the very first meeting, an agreement was reached that included an "all-for-all" reciprocal transfer and a prohibition of new hostage incidents by the parties. Kaha Lomaia, the Secretary of the Georgian National Security Council, headed the Georgian delegation at the meeting and personally proposed the agreement. I want to emphasize that only two days later, Georgia violated the agreement, capturing six people from the Leningor district on the night of 23 August 2008.

IP: In December of 2009, you represented your Government in the negotiations related to the Georgian juveniles convicted for the illegal entry to South Ossetia and for possession of weapons. What was your role?

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Sanakoev: First, we should specify that those Georgian citizens you are talking about were underage, but they were old enough to be held criminally responsible for their actions.

Secondly, as I said, the negotiation process for the transfer of detainees, prisoners, and the bodies of the deceased was not completed in 2008.

The trial of these four individuals, detained on 4 November in South Ossetia, was for illegally crossing our state borders and for the illegal purchase and possession of explosives, as well as a theft committed in Heit village of the Tskhinval region. During the judicial proceedings, the defendant's guilt was confirmed. The defendants themselves partially admitted their guilt. On the same day, two of them, George Romelashvili, born 1995, and Aleko Tsabadze, born 1995, received a conditional sentence of one year each. They were released in the courtroom and transferred to Georgia, accompanied by the Commissioner for Human Rights at the Council of Europe, Thomas Hammarberg.

Two others, Levan Hmiadashvili, born 1992, and Victor Buchukuri, born 1993, were sentenced to a year in prison. Both were pardoned by a decree of the President of the Republic of South Ossetia on 18 December 2009. George Archvadze, born 1992, convicted for illegally crossing the border this summer, was pardoned as well.

IP: Can you tell us more about your work with Commissioner Hammarberg?

Sanakoev: The cooperation with the Commissioner began in August of 2008, immediately after the war, when he, together with the Human Rights Commissioner of Russia, Vladimir Lukin, arrived in South Ossetia. At that time, the process of returning prisoners, missing persons, and dead bodies had started. The Commissioner became actively involved in this process. By the end of August 2008, 175 people and 43 bodies of dead Georgian servicemen, together with information on the whereabouts of two bodies in the territory of the Georgian villages adjacent to the South Ossetian border, were transferred to Georgia. In addition, on 15 November 2008, we transferred 10 Georgian servicemen's bodies to Georgia. By the end of 2008, the Ossetian side had received 47 people and two bodies. One of the dead men died from a wolf's bite before the war. The second body still has not been identified.

However, this process of transfer of people and information ground to a halt after Georgia once again failed to meet its obligations.

IP: Was Commissioner Hammarberg respectful of the South Ossetian Government's position during the negotiations?

Sanakoev: Mr. Hammarberg respects the Republic of South Ossetian government's position, as he has repeatedly stated. Our position is this: We realize that human rights is a sensitive matter, but to date, the interests of individual states are being given greater importance than the rights and freedoms of individual people. That is unfortunate. In the context of our activities, finding the solution for humanitarian issues—those related to human rights—is a priority over all other issues, including political.

IP: President Kokoity refused to pardon the young Georgian prisoners and then changed his position several days later. Why did he do so?

Sanakoev: I far as I understand, you are referring to the meeting between Commissioner Hammarberg and President Kokoity in early December. The refusal was due to the need to comply with all legal standards. At the time, the case we are discussing was being tried in the RSO court, and since South Ossetia is a rule-of-law state, the president has no right to interfere with the judicial process. However, one of the constitutional rights granted to the president is the right of pardon. Depending on the decision of the court, he can exercise that right. That is what was discussed at the meeting with Commissioner Hammarberg.

As we said, the court granted probation for two of them, Romelashvili and Tsabadze, and two others were convicted for their actions and given one year in prison. On 19 December, President Kokoity exercised his constitutional right and pardoned them. As mentioned, the President also pardoned the third Georgian citizen.

I want to take this opportunity to be frank about what is happening on the Georgian side of this situation.

During this entire period we have heard a lot of negativity from Georgia. For example, Elena Tevdoradze, a member of the Pardon Commission in Georgia, categorically announced in an interview with the "Echo of the Caucasus" radio station that the commission will not review the cases of those Ossetians whose release is demanded by the South Ossetian authorities.

Other representatives of the Georgian authorities claimed that no one will be transferred to South Ossetia. They include five South Ossetian citizens who have already been formally released from custody. For four months, the Georgian side continued to illegally detain them.

It's critical to realize that those Georgian teenagers were released, despite their conviction of illegally crossing the border and committing a series of illegal actions on the Republic of South Ossetia territory, including a theft, and possession of explosives and weapons. They were released quickly and humanely. Georgia still holds numerous citizens of South Ossetia, some of whom we do not even know their status. This is absurd.

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- IP: Mr. Hammarberg returned to Tskhinval on 27 February to discuss further attempts to return missing citizens of South Ossetia from Georgia. What were the results of those discussions?
- Sanakoev: Mr. Hammarberg proposed that two expert investigators/negotiators—one from France and one from Australia—be appointed to work with Georgian authorities and authorities in South Ossetia to facilitate the return of three young citizens of South Ossetia—the youngest, being 15 years old—who were captured on 13 October 2008. These experts will work for the next three weeks—both in Georgia and in South Ossetia—to find and return these young people. Since their capture, the Georgian Government has not worked in good faith with us on this case, despite our returning several Georgians detainees as I have explained. My Government is willing to see if this process is effective, and we will cooperate with the experts appointed by Mr. Hammarberg. As mentioned, Mr. Hammarberg respects South Ossetia's need and desire to resolve these kidnappings. It is unfortunate that the Georgian Government continues to use kidnappings to terrorize our citizens and to be recalcitrant for months in returning the victims. Maybe independent participation from the international community will work. We hope so for the sake of the victims and their families.
- IP: Let's return to the negotiations surround the Georgian teenagers. What was the role of the Russian ombudsman, Vladimir Lukin, in the negotiations?
- Sanakoev: On December 19, Russian Human Rights Commissioner, Vladimir Lukin, attended as an observer, at the invitation of the president of the Republic of South Ossetia, the process of transfer of three teenagers, who were previously detained by the law enforcement authorities of South Ossetia and then convicted by the court.
- Currently we do not negotiate directly with Georgia officials on this issue, since they refuse to honor their commitments. We need reliable partners to resolve such issues.
- Georgia continues to politicize human rights issues and is putting the state's interests above the interests and rights of the individuals. That is unacceptable. I hope that the Georgian public, which representatives visited here, will put pressure on their government in this matter too.
- IP: Let's follow up on that point, Mr. Sanakoev. As you just said, several Georgians visited Tskhinval during the negotiations. Was their delegation's visit productive?
- Sanakoev: On December 16, the representatives of the Georgian public organizations, Paata Zakareishvili, Manana Mebuke, and Vahtang Komahidze, came at the invitation of the Ossetian side to the Republic of South Ossetia. President Kokoity said that "by inviting the Georgian human rights defenders and social activists, we proceeded with the idea of helping to solve the problems of our people, because we do not find understanding, do not see any desire on the part of the Georgian leadership to worry about the fate of its citizens, the Georgians, who stay in the territory of South Ossetia, a recognized state."

When the Georgian juveniles were detained, an information attack was launched on South Ossetia. We announced that we were open to the human rights organizations and to the visits of relatives so they could see their children. They were regularly visited by the ICRC (International Committee of the Red Cross) and South Ossetian human rights defenders. The Commissioner of the Council of Europe visited them too. But their relatives did not respond to our proposal. As I understand it, they were pressured by the authorities not to do so. Representatives of the Georgian public organizations, who visited Tskhinval, accepted the invitation to them.

They had been addressing the issues of peacekeeping and defending human rights for a long time—including the fate of some of our citizens, who are being kept in Georgian prisons.

Let me say here, that today, it is impossible to conduct any dialogue with the Georgian authorities, who committed such an ignoble attack on South Ossetia last year, and who are now making every effort to avoid the responsibility. They are not agreeable or cooperative. They should be compelled to do so. For the resolution of these problems, we need to find responsible people in Georgia who would be concerned with the fate of their own counterparts, as well as of the other countries' citizens. I want to say that there are South Ossetians of Georgian origin being detained now in Georgia, whom we are also trying to return to their families, and we are no less insistent on their return, as we are on the return of the Ossetians.

Back to your question. I think that this delegation's visit represents an opportunity to allow Georgians to see another point of view. They will be able to see what was really happening firsthand, and not from the Georgian propaganda videos. This applies to both public organizations and political movements. By the way, the Georgian human rights activists upon their return to Georgia, were attacked by the authorities and the media. One of them, Vahtang Komahidze, is in hiding because his life is in danger from Georgian special police agents.

IP: Do you have anything to add, Mr. Sanakoev?

Sanakoev: The world must understand that even though Georgia claims to be a progressive democracy, its current leaders continue to terrorize our citizens through kidnappings, border provocations, and stubborn behavior when it comes to sincere efforts by us and by others to resolve some legitimate human rights issues. Human rights issues must transcend government-to-government political differences, and Georgia needs to be called out by the international community on its refusal to let that happen.

IP: Thank you, sir.

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